

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NATIONSTAR MORTGAGE LLC,

Plaintiff,

-against-

NICOLE MARIE FERNANDEZ,

Defendant.

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ORDER ADOPTING R & R

17-CV-404(DRH)(SIL)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated November 21, 2017, of Magistrate Judge Steven I. Locke recommending the following on plaintiff's motion for default judgment: (1) a default judgment be granted against Defendant awarding Plaintiff \$421,445.10 in principal and interest, as well as pre-judgment interest on the Unpaid Principal Balance in the amount of \$35.13 per day until judgment is entered, \$1,105.00 in fees and disbursements, and post judgment interest pursuant to 28 U.S.C. § 1961(a); (2) Plaintiff's requests for reimbursements of (i) advances for insurance, taxes, property preservation, and inspection, (ii) fees incurred in connection with the notice of pendency and (iii) attorneys' fees be denied without prejudice and with leave to renew upon the submission of appropriate supporting documentation; and (3) that an Order similar to Plaintiff's Proposed Judgment of Foreclosure and Sale, but consistent with the Report and Recommendation be entered and that Thomas J. Sock, Esq. be appointed Referee. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed by Defendant. However, after issuance the Report and Recommendation Plaintiff notified the Court that it elected to proceed without renewing its application to recover the \$13,431.26 in advances for insurance, taxes, property

preservation, and inspection, the \$220.00 fee for the notice of pendency and the \$3,475.00 in attorneys' fees.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and result. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgement against defendant Nicole Marie Fernandez is granted to the extent that Plaintiff is awarded a total of \$421,445.10 in principal and interest, \$1,105.00 in fees and disbursements, as well as pre-judgment interest on the Unpaid Principal Balance in the amount of \$35.13 per day until judgment is entered, and post judgment interest pursuant to 28 U.S.C. § 1961(a). The Court will this day enter a Judgment of Foreclosure and Sale consistent herewith.

Dated: Central Islip, N.Y.
January 2, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge